

12-23-2002

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #73

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Chrome Hearts, Inc.

Opposer,

v.

Christiana Lapetina-Johnson,

Applicant.

Our Ref. 61509-0007

Opposition No. 91153804

In the matter of Application
Serial No.: 76/305,681
Mark: CROWN OF HEARTS

Published in the *Official Gazette*
on October 22, 2002

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

Applicant Christiana Lapetina-Johnson, a U.S. citizen having a principal place of business at 21354 Nordhoff Street, Suite 113, Chatsworth, California 91311 ("Applicant"), the owner of the above-referenced Application Serial No. 76/305,681, answers the Notice of Opposition of Chrome Hearts, Inc. ("Opposer"), as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 of the Notice of Opposition and therefore, on that basis, denies each and every allegation therein.

2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 of the Notice of Opposition and therefore, on that basis, denies each and every allegation therein.

3. Applicant denies that there is a likelihood of confusion, mistake, or deception within the meaning of Section 2(d) of the Trademark Act between Applicant's mark CROWN OF HEARTS in connection with the goods identified in App. Ser. No. 76/305,681, on the one hand, and Opposer's CHROME HEARTS mark for clothing or any other goods or

services. Furthermore, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 3 of the Notice of Opposition, that Opposer owns a family of CHROME HEARTS for various goods and services, including clothing, and that Opposer has been using its CHROME HEARTS mark in interstate commerce in connection with clothing since as early as 1989, and therefore, on that basis, Applicant denies these allegations.

4. Further, if any allegations should remain unanswered, Applicant denies each and every unanswered allegation in the Notice of Opposition.

AFFIRMATIVE DEFENSES

In addition to the foregoing, and as separate and distinct affirmative defenses to Opposer's claims, Applicant alleges as follows:

FIRST AFFIRMATIVE DEFENSE

5. Opposer's Notice of Opposition is barred pursuant to the doctrine of estoppel.

SECOND AFFIRMATIVE DEFENSE

6. Opposer's Notice of Opposition is barred pursuant to the doctrine of waiver.

THIRD AFFIRMATIVE DEFENSE

7. Opposer's Notice of Opposition is barred pursuant to the doctrine of acquiescence.

FOURTH AFFIRMATIVE DEFENSE

8. Opposer has failed to state a claim for which relief may be granted pursuant to Federal Rule of Civil Procedure 12(b)(6).

WHEREFORE, Applicant requests that Opposer's opposition be dismissed.

Respectfully submitted,

Dated: December 18, 2002

By: 

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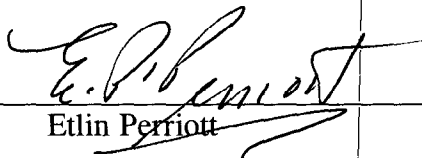
CERTIFICATE OF MAILING

I hereby certify that on December 18, 2002, the original of the foregoing document is being deposited with the United States Postal Service, first class mail, postage prepaid, addressed to the Assistant Commissioner for Trademarks, Box TTAB NO FEE, 2900 Crystal Drive, Arlington, Virginia 22202-3513.


Etlin Perriott

CERTIFICATE OF SERVICE

I hereby certify that on December 18, 2002, a copy of the foregoing document is being deposited with the U.S. Postal Service, first class mail, postage prepaid, addressed to Robert L. Tucker, Esq., Tucker & Latifi LLP, 915 North Mansfield, Hollywood, California 90038, attorneys for Opposer.


Etlin Perriott